

HB 25

2016

1 A bill to be entitled
2 An act relating to texting while driving in a school
3 zone; amending s. 316.305, F.S.; revising penalties
4 for violations of the Florida Ban on Texting While
5 Driving Law; providing enhanced penalties for such
6 violations when committed in a school zone or school
7 crossing; providing a definition; providing an
8 effective date.

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10 Be It Enacted by the Legislature of the State of Florida:

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12 Section 1. Subsection (4) of section 316.305, Florida
13 Statutes, is amended, and paragraph (a) of subsection (3) of
14 that section is republished, to read:

15 316.305 Wireless communications devices; prohibition.—

16 (3)(a) A person may not operate a motor vehicle while
17 manually typing or entering multiple letters, numbers, symbols,
18 or other characters into a wireless communications device or
19 while sending or reading data on such a device for the purpose
20 of nonvoice interpersonal communication, including, but not
21 limited to, communication methods known as texting, e-mailing,
22 and instant messaging. As used in this section, the term
23 "wireless communications device" means any handheld device used
24 or capable of being used in a handheld manner, that is designed
25 or intended to receive or transmit text or character-based
26 messages, access or store data, or connect to the Internet or

27 | any communications service as defined in s. 812.15 and that
28 | allows text communications. For the purposes of this paragraph,
29 | a motor vehicle that is stationary is not being operated and is
30 | not subject to the prohibition in this paragraph.

31 | (4) (a) A ~~Any~~ person who violates paragraph (3) (a) commits
32 | a noncriminal traffic infraction, punishable as a nonmoving
33 | violation as provided in chapter 318. For a violation occurring
34 | in a legally posted active school zone or designated school
35 | crossing, the amount of any fine prescribed for the violation
36 | shall be doubled.

37 | (b) A ~~Any~~ person who commits a second or subsequent
38 | violation of paragraph (3) (a) within 5 years after the date of a
39 | prior conviction for a violation of paragraph (3) (a) commits a
40 | noncriminal traffic infraction, punishable as a moving violation
41 | as provided in chapter 318. Regardless of where the prior
42 | violation occurred, if a second or subsequent violation occurred
43 | in a legally posted active school zone or designated school
44 | crossing, the amount of any fine prescribed for the violation
45 | shall be doubled.

46 | (c) For purposes of this subsection, "active school zone
47 | or designated school crossing" refers to the period of time
48 | during which the restrictive speed limit is in effect within the
49 | zone or crossing.

50 | Section 2. This act shall take effect October 1, 2016.